

## **Assembly Bill No. 293**

### **CHAPTER 621**

An act to amend Section 417.25 of, and to add Section 417.27 to, the Penal Code, relating to lasers.

[Approved by Governor October 5, 1999. Filed  
with Secretary of State October 10, 1999.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 293, Wesson. Laser pointers: prohibitions on sale, possession, and use.

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would revise this provision to apply to the situation where a person aims or points a laser scope at another person instead of knowingly draws or exhibits a laser scope that projects a colored target on a person and would include a laser pointer in this revised provision. The bill would delete the element of apprehension.

The bill also would provide that any person who directs the beam from a laser pointer directly or indirectly into the eye or eyes of another person or specified service dogs or into a moving vehicle with the intent to harass or annoy the other person or service dog or the occupants of the moving vehicle, or who knowingly sells a laser pointer to a person 17 years of age or younger, unless he or she is accompanied and supervised by a parent, legal guardian, or any other adult 18 years of age or older, or any person who possesses a laser pointer on any elementary or secondary school premises unless possession of a laser pointer on elementary or secondary school premises is for a valid instructional or other school-related purpose, including employment, shall be guilty of an infraction and shall be punished by either a fine of \$50 or 4 hours of community service. A 2nd or subsequent violation of any of these offenses would be an infraction for which the person shall be punished by either a fine of \$100 or 8 hours of community service.

By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 417.25 of the Penal Code is amended to read:

417.25. (a) Every person who, except in self-defense, aims or points a laser scope, as defined in subdivision (b), or a laser pointer, as defined in subdivision (c), at another person in a threatening manner with the specific intent to cause a reasonable person fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days. For purposes of this section, the laser scope need not be attached to a firearm.

(b) As used in this section, “laser scope” means a portable battery-powered device capable of being attached to a firearm and capable of projecting a laser light on objects at a distance.

(c) As used in this section, “laser pointer” means any hand held laser beam device or demonstration laser product that emits a single point of light amplified by the stimulated emission of radiation that is visible to the human eye.

SEC. 2. Section 417.27 is added to the Penal Code, to read:

417.27. (a) No person, corporation, firm, or business entity of any kind shall knowingly sell a laser pointer to a person 17 years of age or younger, unless he or she is accompanied and supervised by a parent, legal guardian, or any other adult 18 years of age or older.

(b) No student shall possess a laser pointer on any elementary or secondary school premises unless possession of a laser pointer on the elementary or secondary school premises is for a valid instructional or other school-related purpose, including employment.

(c) No person shall direct the beam from a laser pointer directly or indirectly into the eye or eyes of another person or into a moving vehicle with the intent to harass or annoy the other person or the occupants of the moving vehicle.

(d) No person shall direct the beam from a laser pointer directly or indirectly into the eye or eyes of a guide dog, signal dog, service dog, or dog being used by a peace officer with the intent to harass or annoy the animal.

(e) A violation of subdivision (a), (b), (c), or (d) shall be an infraction that is punished by either a fine of fifty dollars (\$50) or four hours of community service, and a second or subsequent violation of any of these subdivisions shall be an infraction that is punished by either a fine of one hundred dollars (\$100) or eight hours of community service.

(f) As used in this section, “laser pointer” has the same meaning as set forth in subdivision (c) of Section 417.25.

(g) As used in this section, “guide dog,” “signal dog,” and “service dog,” respectively, have the same meaning as set forth in subdivisions (d), (e), and (f) of Section 365.5.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

